

104TH CONGRESS  
2D SESSION

# H. R. 3578

To reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 1996

Mr. OBERSTAR (for himself, Mr. WISE, Mr. LIPINSKI, Mr. DeFAZIO, Mr. CLEMENT, Mr. NADLER, Mr. MENENDEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MASCARA, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Railroad Safety Reform Act of 1996”.

6       (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

### TITLE I—SAFETY RULEMAKING AND ENFORCEMENT

Sec. 101. Purpose.



Sec. 102. Railroad safety conference.  
 Sec. 103. Rulemaking status reports.  
 Sec. 104. Power brake safety rulemaking.  
 Sec. 105. Track safety standards rulemaking.  
 Sec. 106. Rulemaking process.  
 Sec. 107. Safety inspectors.  
 Sec. 108. Employee reports.  
 Sec. 109. Accident and injury reporting.

#### TITLE II—GRADE CROSSING SAFETY

Sec. 201. Toll-free number to report grade crossing problems.  
 Sec. 202. Grade crossing signal violations.

#### TITLE III—HOURS OF SERVICE

Sec. 301. Limitations on duty hours of train employees.  
 Sec. 302. Split shifts.  
 Sec. 303. Limitations on duty hours of signal employees.  
 Sec. 304. Employee sleeping quarters.  
 Sec. 305. Rotating shifts.  
 Sec. 306. Train dispatchers.  
 Sec. 307. Recommendations on hours of service changes.

#### TITLE IV—PASSENGER SERVICE SAFETY STANDARDS

Sec. 401. Emergency windows and doors.  
 Sec. 402. Passenger railroad signal systems.  
 Sec. 403. Passenger locomotive fuel tanks.  
 Sec. 404. Passenger car crashworthiness.  
 Sec. 405. Positive train control.

#### TITLE V—EMPLOYEE AUTHORITY, CERTIFICATION, AND EQUIPMENT

Sec. 501. Employee response to hazardous conditions.  
 Sec. 502. Certification of locomotive engineers and other safety-related railroad  
 personnel.  
 Sec. 503. Communications devices.

## 1 **TITLE I—SAFETY RULEMAKING** 2 **AND ENFORCEMENT**

### 3 **SEC. 101. PURPOSE.**

4 Section 20101 of title 49, United States Code, is  
 5 amended to read as follows:

#### 6 **“§ 20101. Purpose**

7 “The purpose of this part is to assign and maintain  
 8 safety as the highest priority in every area of railroad op-

1 erations and to reduce railroad-related accidents and inci-  
2 dents.”.

3 **SEC. 102. RAILROAD SAFETY CONFERENCE.**

4 (a) IN GENERAL.—The Secretary of Transportation  
5 shall convene, within 6 months after the date of the enact-  
6 ment of this Act and annually thereafter, a conference to  
7 determine what are the most important actions needed to  
8 improve the safety of railroad operations. Each such con-  
9 ference shall provide an opportunity for the participants  
10 to present their views, respond to the views of other par-  
11 ticipants, and discuss railroad safety issues with other  
12 participants so that a consensus can be reached.

13 (b) PARTICIPANTS.—Each conference convened pur-  
14 suant to subsection (a) shall include as participants, at  
15 a minimum, appropriate representatives of the Depart-  
16 ment of Transportation, railroad management, railroad  
17 labor, railroad passengers, railroad equipment suppliers,  
18 and railroad shippers, as well as individuals representing  
19 community interests.

20 (c) REPORT TO CONGRESS.—The Secretary of Trans-  
21 portation shall, within 3 months after the completion of  
22 a conference convened pursuant to subsection (a), trans-  
23 mit to the Congress a report summarizing the results of  
24 the conference.

1 **SEC. 103. RULEMAKING STATUS REPORTS.**

2 (a) REQUIREMENT.—The Administrator of the Fed-  
3 eral Railroad Administration shall report once each month  
4 to the Committee on Transportation and Infrastructure  
5 of the House of Representatives and to the Committee on  
6 Commerce, Science, and Transportation of the Senate on  
7 the status of the Federal Railroad Administration’s safety-  
8 related—

9 (1) rulemakings, whether specifically required  
10 by statute or initiated by the Secretary or the Fed-  
11 eral Railroad Administrator under general statutory  
12 authority; and

13 (2) reports, including reports required by stat-  
14 ute and any other reports intended for publication.

15 (b) CONTENTS.—A report required by subsection (a)  
16 shall discuss the progress of the Federal Railroad Admin-  
17 istration in completing those rulemakings and reports, in-  
18 cluding achieved and expected dates of completing various  
19 phases of the rulemakings and reports. In the case of  
20 rulemakings and reports required by law, these dates shall  
21 be compared with the dates required by law, and the re-  
22 port required by subsection (a) shall explain the failure  
23 to meet any rulemaking or reporting deadlines established  
24 by law. The report shall also discuss the extent to which  
25 any review or approval of the rulemaking or report, that  
26 is required by law or otherwise to be performed by a Fed-

1 eral official, has been completed. The report may also dis-  
2 cuss any other topics that the Administrator considers rel-  
3 evant to the Federal Railroad Administration's railroad  
4 safety program.

5 **SEC. 104. POWER BRAKE SAFETY RULEMAKING.**

6 If the Secretary of Transportation has not, before the  
7 date which is one year after the date of the enactment  
8 of this Act, issued all final regulations relating to the safe-  
9 ty of railroad power brakes required under section 20141  
10 of title 49, United States Code, then on the date which  
11 is one year after the date of the enactment of this Act  
12 the proposed rules published on September 16, 1994 (59  
13 Fed. Reg. 47676–47753) that relate to any subject on  
14 which the Secretary has not issued final regulations shall  
15 take effect as final rules.

16 **SEC. 105. TRACK SAFETY STANDARDS RULEMAKING.**

17 (a) CONTINGENT STANDARDS.—Section 20142 of  
18 title 49, United States Code, is amended—

19 (1) in subsection (b), by striking “Not later  
20 than September 3, 1995” and inserting in lieu there-  
21 of “Before the date which is one year after the date  
22 of the enactment of the Railroad Safety Reform Act  
23 of 1996”; and

24 (2) by adding at the end the following new sub-  
25 sections:

1       “(e) CONTINGENT STANDARDS.—(1) If the Secretary  
2 has not, before the date which is one year after the date  
3 of the enactment of the Railroad Safety Reform Act of  
4 1996, issued all final regulations relating to track safety  
5 required under subsection (b), then on the date which is  
6 one year after the date of the enactment of this Act the  
7 requirements stated in paragraphs (2) through (4) of this  
8 subsection and in subsections (f) and (g) shall take effect.

9       “(2)(A) If a track inspector certified under section  
10 20135 determines that rail described in paragraph (4) re-  
11 quires replacement, the railroad carrier owning the track  
12 shall limit speeds of all trains operating over the track  
13 to 20 miles per hour or less and shall replace the rail with-  
14 in 6 months after the date of that determination.

15       “(B) If a railroad carrier disagrees with a determina-  
16 tion of a track inspector described in subparagraph (A),  
17 the railroad carrier may appeal that determination to the  
18 Administrator of the Federal Railroad Administration,  
19 whose decision shall be administratively final.

20       “(C) The Administrator may provide for not more  
21 than one extension of 6 months of the deadline for replace-  
22 ment of rail under subparagraph (A), if required because  
23 of inclement weather.

24       “(3) If a track inspector certified under section  
25 20135 determines that rail described in paragraph (4)

1 does not require replacement, the rail shall be inspected  
2 not less often than once every 6 months, and shall be in-  
3 spected for internal defects not less often than once every  
4 12 months.

5 “(4)(A) Rail referred to in paragraphs (2) and (3)  
6 is rail in class 3 track or higher, or in class 2 track on  
7 which passenger trains operate, which evidences shelly  
8 spots, head checks, engine burn, flaking, mill defects, sliv-  
9 ering, corrugation, corrosion, or other similar defects.

10 “(B) For purposes of this paragraph, the class of  
11 track shall be determined in accordance with regulations  
12 in effect as of the date of the enactment of the Railroad  
13 Safety Reform Act of 1996.

14 “(f) CONTINUOUS WELDED RAIL.—All continuous  
15 welded rail shall be installed at a rail temperature that,  
16 given the effects of expected changes in ambient air tem-  
17 peratures, will not result in compressive or tensile forces  
18 that will produce lateral displacement of the track or pull-  
19 ing apart of rail ends or welds, respectively. After initial  
20 installation, the track shall subsequently be adjusted for  
21 reductions in its neutral temperature.

22 “(g) LIMITATIONS ON EXCEPTIONS.—No segment of  
23 track shall be excepted from track safety standards estab-  
24 lished by the Secretary if—

1           “(1) any freight train operating on the track in-  
2           cludes any cars required to be placarded pursuant to  
3           the Hazardous Materials Transportation Act;

4           “(2) the track segment is located within 100  
5           feet of—

6                   “(A) an adjacent track which is not ex-  
7           cepted;

8                   “(B) a public street or highway; or

9                   “(C) any structure, facility, or installation  
10          where persons are likely to be endangered by a  
11          derailment;

12          “(3) the track segment is elevated more than  
13          10 feet above the adjacent terrain; or

14          “(4) the designation of the track segment as ex-  
15          cepted has not been filed with the Federal Railroad  
16          Administration’s main office in Washington, D.C.  
17          and the regional office for the region in which the  
18          track segment is located.

19          “(h) MAINTENANCE-OF-WAY EQUIPMENT.—(1) All  
20          track motor vehicles, self-propelled maintenance-of-way  
21          equipment, and other equipment which is designed with  
22          a wheeled carriage allowing the equipment to move along  
23          a railroad track shall be designed and maintained so as  
24          to conduct electrical current from one rail of the track to  
25          the other, enabling the activation of signal systems de-



1 signed to detect the presence of locomotives, cars, trains,  
2 and other rolling equipment on the track.

3 “(2) All roadway work groups and lone roadway  
4 workers, as such terms are defined in section 20154(c),  
5 when working in a classification yard, shall be equipped  
6 with portable equipment permitting the motion of freely  
7 rolling railroad cars to be automatically arrested.

8 “(3) This subsection shall take effect on January 1,  
9 1997.”.

10 (b) EQUIPMENT AND MATERIALS.—Section 20142(a)  
11 of title 49, United States Code, is amended—

12 (1) by striking “and” at the end of paragraph

13 (2);

14 (2) by striking the period at the end of para-  
15 graph (3) and inserting in lieu thereof a semicolon;  
16 and

17 (3) by adding at the end the following new  
18 paragraphs:

19 “(4) minimum equipment and materials needed  
20 by track inspectors and other maintenance-of-way  
21 and bridge and building employees to perform their  
22 work properly; and

23 “(5) safety equipment needed for all track  
24 motor vehicles, self-propelled maintenance-of-way

1 equipment, and similar equipment to operate safe-  
2 ly.”.

3 **SEC. 106. RULEMAKING PROCESS.**

4 (a) AMENDMENT.—Subchapter I of chapter 201 of  
5 title 49, United States Code, is amended by inserting after  
6 section 20115 the following new section:

7 **“§ 20116. Rulemaking process**

8 “(a) RULES PROPOSED BY RAILROAD SAFETY ADVI-  
9 SORY COMMITTEE.—A rule that has been proposed unani-  
10 mously by the Railroad Safety Advisory Committee shall  
11 be issued as a proposed rule by the Secretary without  
12 preparation of a regulatory analysis, regulatory evalua-  
13 tion, or any other assessment of the costs or benefits of  
14 the proposed rule, and without soliciting the approval or  
15 comment of any person outside the Department of Trans-  
16 portation.

17 “(b) INCORPORATION BY REFERENCE.—No rule or  
18 order issued by the Secretary under this part shall be ef-  
19 fective if it incorporates by reference a code, rule, stand-  
20 ard, requirement, or practice issued by an association or  
21 other entity that is not an agency of the Federal Govern-  
22 ment, unless that reference is to a particular code, rule,  
23 standard, requirement, or practice adopted before the date  
24 on which the rule is issued by the Secretary, and unless

1 the date on which the code, rule, standard, requirement,  
 2 or practice was adopted is specifically cited in the rule.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-  
 4 tions for subchapter I of chapter 201 of title 49, United  
 5 States Code, is amended by adding after the item relating  
 6 to section 20115 the following new item:

“20116. Rulemaking process.”.

7 **SEC. 107. SAFETY INSPECTORS.**

8 Section 20115 of title 49, United States Code, is  
 9 amended—

10 (1) in subsection (a), by striking “subject to  
 11 this chapter” and inserting in lieu thereof “subject  
 12 to this part”;

13 (2) by amending subsection (a)(1) to read as  
 14 follows:

15 “(1) shall cover the costs of providing 400 rail-  
 16 road safety inspectors in addition to those already  
 17 employed by the Federal Railroad Administration as  
 18 of October 1, 1995;”;

19 (3) in subsection (c)(2), by striking “only to  
 20 carry out this chapter” and inserting in lieu thereof  
 21 “only for the purposes described in subsection  
 22 (a)(1)”;

23 (4) in subsection (c)(3), by striking “of activi-  
 24 ties under” and all that follows through “financed

1 by the fees” and inserting in lieu thereof “described  
2 in subsection (a)(1)”;

3 (5) in subsection (d)(1), by striking “90 days  
4 after the end of each fiscal year in which fees are  
5 collected under this section” and inserting in lieu  
6 thereof “180 days after the end of fiscal year 1999,  
7 and every 3 years thereafter”;

8 (6) in subsection (d)(1)(A), by striking “that  
9 fiscal year” and inserting in lieu thereof “the 3 pre-  
10 vious fiscal years”;

11 (7) in subsection (d)(2), by striking “for a fis-  
12 cal year”; and

13 (8) by striking subsection (e).

14 **SEC. 108. EMPLOYEE REPORTS.**

15 Section 20901(a) of title 49, United States Code, is  
16 amended—

17 (1) by striking “the carrier’s operations” and  
18 inserting in lieu thereof “the operations of the car-  
19 rier or of any contractor to the carrier working on  
20 the carrier’s property or operating the carrier’s  
21 equipment”; and

22 (2) by inserting “The report shall also include  
23 copies of any written safety-related complaint or re-  
24 port filed with the carrier by an employee or con-  
25 tractor during the month, whether or not the com-

1       plaint or report relates to a reported accident or in-  
2       cident.” after “contributed to the accident or inci-  
3       dent.”.

4       **SEC. 109. ACCIDENT AND INJURY REPORTING.**

5       (a) DISCHARGE AND DISCRIMINATION PROTEC-  
6       TION.—Section 20109 of title 49, United States Code, is  
7       amended—

8               (1) by redesignating subsections (c), (d), and  
9               (e) as subsections (d), (e), and (f), respectively; and

10              (2) by inserting after subsection (b) the follow-  
11       ing new subsection:

12       “(c) ACCIDENT AND INJURY INFORMATION.—A rail-  
13       road carrier engaged in interstate or foreign commerce,  
14       and an employee of such a railroad carrier, shall not—

15              “(1) by threat, intimidation, or otherwise at-  
16       tempt to prevent an employee from furnishing infor-  
17       mation; or

18              “(2) discharge, discipline, or discriminate  
19       against an employee because the employee has fur-  
20       nished information,

21       to any party as to the facts relating to any accident or  
22       incident resulting in injury or death to an individual or  
23       damage to property occurring in connection with railroad  
24       transportation.”.

25       (b) PENALTIES.—

1           (1) CIVIL PENALTIES.—Section 21302(a)(1) of  
2           title 49, United States Code, is amended by striking  
3           “a regulation prescribed or order issued under chap-  
4           ter 201 of this title” and inserting in lieu thereof  
5           “chapter 201 of this title or a regulation prescribed  
6           or order issued under chapter 201”.

7           (2) CRIMINAL PENALTIES.—Section 21311(a)  
8           of title 49, United States Code, is amended—

9                   (A) by striking “or” at the end of para-  
10                  graph (4);

11                   (B) by striking the period at the end of  
12                  paragraph (5) and inserting in lieu thereof “;  
13                  or”; and

14                   (C) by adding at the end the following new  
15                  paragraph:

16                  “(6) violates section 20109(c).”.

17           (c) AUDITS.—Section 20901 of title 49, United  
18           States Code, is amended by adding at the end the follow-  
19           ing new subsection:

20                   “(c) AUDITS.—A railroad carrier shall at least annu-  
21                  ally have an audit conducted of the process by which it  
22                  reports accidents and incidents pursuant to subsection (a).  
23                  The audit shall determine whether the reporting process  
24                  is substantially accurate as to the numbers and severity

1 of accidents and incidents. The audit shall be conducted  
2 by an independent auditor approved by the Secretary.”.

3 **TITLE II—GRADE CROSSING**  
4 **SAFETY**

5 **SEC. 201. TOLL-FREE NUMBER TO REPORT GRADE CROSS-**  
6 **ING PROBLEMS.**

7 Section 20152 of title 49, United States Code, is  
8 amended to read as follows:

9 **“§ 20152. Emergency notification of grade crossing**  
10 **problems**

11 “By January 1, 1998, each railroad carrier shall—

12 “(1) establish and maintain a toll-free telephone  
13 service, for rights-of-way over which it dispatches  
14 trains, to directly receive calls reporting—

15 “(A) malfunctions of signals, crossing  
16 gates, and other devices to promote safety at  
17 the grade crossing of railroad tracks on those  
18 rights-of-way and public or private roads; and

19 “(B) disabled vehicles blocking railroad  
20 tracks at such grade crossings;

21 “(2) upon receiving a report of a malfunction or  
22 disabled vehicle pursuant to paragraph (1), imme-  
23 diately contact trains operating near the grade  
24 crossing to warn them of the malfunction or disabled  
25 vehicle;

1           “(3) upon receiving a report of a malfunction or  
2           disabled vehicle pursuant to paragraph (1), and  
3           after contacting trains pursuant to paragraph (2),  
4           contact appropriate public safety officials having ju-  
5           risdiction over the grade crossing to provide them  
6           with the information necessary for them to direct  
7           traffic, assist in the removal of the disabled vehicle,  
8           or carry out other activities appropriate to respond-  
9           ing to the hazardous circumstance; and

10           “(4) ensure the placement at each grade cross-  
11           ing on rights-of-way that it owns of appropriately lo-  
12           cated signs, on which shall appear—

13                   “(A) a toll-free telephone number to be  
14                   used for placing calls described in paragraph  
15                   (1) to the railroad carrier dispatching trains on  
16                   that right-of-way;

17                   “(B) an explanation of the purpose of that  
18                   toll-free number as described in paragraph (1);

19                   “(C) the grade crossing number assigned  
20                   for that crossing by the National Highway-Rail  
21                   Crossing Inventory established by the Depart-  
22                   ment of Transportation and the Association of  
23                   American Railroads; and

24                   “(D) a statement that reporting a disabled  
25                   vehicle blocking the railroad tracks should be



1 done immediately, before any attempt is made  
2 to remove the vehicle from the tracks.

3 The Secretary of Transportation shall implement this sec-  
4 tion through appropriate regulations.”.

5 **SEC. 202. GRADE CROSSING SIGNAL VIOLATIONS.**

6 (a) AMENDMENTS.—Section 20151 of title 49, Unit-  
7 ed States Code, is amended—

8 (1) by amending the section heading to read as  
9 follows:

10 **“§ 20151. Railroad trespassing, vandalism, and signal**  
11 **violation prevention strategy”;**

12 (2) in subsection (a)—

13 (A) by striking “and vandalism affecting  
14 railroad safety” and inserting in lieu thereof “,  
15 vandalism affecting railroad safety, and viola-  
16 tions of grade crossing signals”;

17 (B) by inserting “, concerning trespassing  
18 and vandalism,” after “such evaluation and re-  
19 view”; and

20 (C) by inserting “The second such evalua-  
21 tion and review, concerning violations of grade  
22 crossing signals, shall be completed within 3  
23 years after the date of the enactment of the  
24 Federal Railroad Safety Authorization Act of  
25 1994.” after “Act of 1994.”;

1           (3) in the subsection heading of subsection (b),  
2       by inserting “FOR TRESPASSING AND VANDALISM  
3       PREVENTION” after “OUTREACH PROGRAM”;

4           (4) in subsection (c)—

5               (A) by redesignating paragraphs (1) and  
6               (2) as subparagraphs (A) and (B), respectively;

7               (B) by inserting “(1)” after “MODEL LEG-  
8       ISLATION.—”; and

9               (C) by adding at the end the following new  
10       paragraph:

11       “(2) Within 18 months after the date of the enact-  
12       ment of the Railroad Safety Reform Act of 1996 the Sec-  
13       retary, after consultation with State and local govern-  
14       ments and railroad carriers, shall develop and make avail-  
15       able to State and local governments model State legisla-  
16       tion providing for civil or criminal penalties, or both, for  
17       violations of grade crossing signals.”; and

18               (5) by adding at the end the following new sub-  
19       section:

20       “(d) DEFINITION.—For purposes of this section, the  
21       term ‘violation of grade crossing signals’ includes any ac-  
22       tion by a motorist, unless directed by an authorized safety  
23       officer—

1 “(1) to drive around a grade crossing gate in  
 2 a position intended to block passage over railroad  
 3 tracks;

4 “(2) to drive through a flashing grade crossing  
 5 signal;

6 “(3) to drive through a grade crossing with pas-  
 7 sive warning signs without ensuring that the grade  
 8 crossing could be safely crossed before any train ar-  
 9 rived; and

10 “(4) in the vicinity of a grade crossing, that  
 11 creates a hazard of an accident involving injury or  
 12 property damage at the grade crossing.”.

13 (b) CONFORMING AMENDMENT.—The item relating  
 14 to section 20151 in the table of sections for subchapter  
 15 II of chapter 201 of title 49, United States Code, is  
 16 amended to read as follows:

“20151. Railroad trespassing, vandalism, and signal violation prevention strat-  
 egy.”.

## 17 **TITLE III—HOURS OF SERVICE**

### 18 **SEC. 301. LIMITATIONS ON DUTY HOURS OF TRAIN** 19 **EMPLOYEES.**

20 (a) GENERAL RULES.—Section 21103(a) of title 49,  
 21 United States Code, is amended by striking paragraphs  
 22 (1) and (2) and inserting in lieu thereof the following new  
 23 paragraphs:

1 “(1) unless that employee has had at least 8  
2 consecutive hours of undisturbed rest off duty dur-  
3 ing the prior 24 hours;

4 “(2) for a period in excess of 12 consecutive  
5 hours;

6 “(3) after that employee has been on duty for  
7 10 or more consecutive hours, unless that employee  
8 immediately after being released from such period of  
9 duty has at least 10 consecutive hours off duty;

10 “(4) unless that employee has received notice at  
11 least 8 hours before beginning such duty;

12 “(5) unless that employee has had at least one  
13 period of at least 24 consecutive hours off duty in  
14 the past 7 days; and

15 “(6) unless, when last released from duty at  
16 that employee’s home terminal, the employee had as  
17 much time off duty at the employee’s home terminal  
18 as the employee most recently had off duty at the  
19 employee’s away-from-home designated terminal.”.

20 (b) TIME WAITING FOR DEADHEAD TRANSPOR-  
21 TATION.—Section 21103(b)(4) of title 49, United States  
22 Code, is amended by inserting “or waiting on a train, with  
23 assigned duties, for deadhead transportation from a duty  
24 assignment” after “to a duty assignment”.

1       (c) DEFINITION OF UNDISTURBED REST.—Section  
2 21101 of title 49, United States Code, is amended by add-  
3 ing at the end the following new paragraph:

4           “(6) ‘undisturbed rest’ means a period during  
5 which an employee receives no communication from  
6 the employing railroad carrier and its officers and  
7 agents.”.

8 **SEC. 302. SPLIT SHIFTS.**

9       Section 21103 of title 49, United States Code, is  
10 amended by adding at the end the following new sub-  
11 section:

12       “(d) SPLIT SHIFTS.—(1) A railroad carrier and its  
13 officers and agents may require a train employee to work  
14 a split shift only if the split shift begins between 12:01  
15 a.m. and 11:59 a.m. and ends before 2:00 a.m. on the  
16 day following the day on which the shift begins.

17       “(2) For purposes of this subsection, the term ‘split  
18 shift’ means a tour of duty in which an employee, having  
19 just completed a rest period of at least 8 hours, reports  
20 for duty, works an initial work period, has an interim pe-  
21 riod for rest of at least 4 hours but less than 8 hours  
22 at the employee’s designated terminal, and then works one  
23 or more additional work periods before being released for  
24 a rest period of at least 8 hours.

1       “(3) For railroad carriers providing commuter rail  
 2 passenger transportation, as defined in section 24102(5)  
 3 of this title, and with respect to train employees engaged  
 4 in such transportation, this subsection shall take effect 90  
 5 days after the date of the enactment of the Railroad Safe-  
 6 ty Reform Act of 1996. For railroad carriers other than  
 7 those providing such commuter rail passenger transpor-  
 8 tation, and for train employees engaged in other forms of  
 9 railroad transportation, this subsection shall take effect 2  
 10 years after the date of the enactment of the Railroad Safe-  
 11 ty Reform Act of 1996.”.

12 **SEC. 303. LIMITATIONS ON DUTY HOURS OF SIGNAL EM-**  
 13 **PLOYEES.**

14       Section 21104(b)(3) of title 49, United States Code,  
 15 is amended by striking “, except that up to” and all that  
 16 follows through “time off duty”.

17 **SEC. 304. EMPLOYEE SLEEPING QUARTERS.**

18       Section 21106 of title 49, United States Code, is  
 19 amended—

20           (1) by inserting “(a) GENERAL RULE.—” be-  
 21 fore “A railroad carrier”;

22           (2) by striking “officers and agents” and all  
 23 that follows through “may provide” and inserting in  
 24 lieu thereof “officers and agents may provide”;

1           (3) by striking “under the control of the car-  
2       rier”;

3           (4) by striking “; and” and inserting in lieu  
4       thereof a period; and

5           (5) by striking paragraph (2) and inserting in  
6       lieu thereof the following new subsections:

7       “(b) LOCATION.—Effective January 1, 1997, sleep-  
8       ing quarters referred to in subsection (a) shall not be lo-  
9       cated in an area or in the immediate vicinity of an area,  
10      as determined under regulations prescribed by the Sec-  
11      retary of Transportation, in which railroad switching or  
12      humping operations are performed.

13      “(c) MAXIMUM NOISE LEVELS.—The Secretary, in  
14      prescribing regulations under this section, shall set maxi-  
15      mum noise levels which may be experienced in sleeping  
16      quarters. Such levels shall be based in part on single event  
17      noise levels.”.

18   **SEC. 305. ROTATING SHIFTS.**

19      (a) AMENDMENT.—Chapter 211 of title 49, United  
20      States Code, is amended by adding at the end the follow-  
21      ing new section:

22   **“§ 21109. Rotating shifts**

23      “(a) GENERAL RULE.—Except as provided in sec-  
24      tions 21103(c), 21104(c), and 21105(d), a railroad carrier  
25      and its officers and agents may not require or allow an

1 employee to report for duty to begin an 8-hour shift which  
2 begins at a time that is more than 4 hours earlier or more  
3 than 6 hours later than the time of day when that em-  
4 ployee, within the previous 72 hours, began a prior 8-hour  
5 shift.

6 “(b) DETERMINING TIME ON DUTY.—For purposes  
7 of this section, the rules for determining time on duty stat-  
8 ed in sections 21103(b), 21104(b), and 21105(c), as ap-  
9 propriate, shall apply.

10 “(c) STUDY OF ALTERNATIVE METHODS.—The Sec-  
11 retary of Transportation shall initiate a study of alter-  
12 native methods of preventing fatigue due to rotating  
13 shifts, and shall report to the Congress on the results of  
14 such study, including proposals for revising chapter 211  
15 of this title, as results become available.

16 “(d) DEFINITION.—For purposes of this section, the  
17 term ‘8-hour shift’ means a period during which an em-  
18 ployee is on duty for 8 consecutive hours or longer.”.

19 (b) CONFORMING AMENDMENT.—The table of sec-  
20 tions for chapter 211 of title 49, United States Code, is  
21 amended by adding at the end the following new item:

“21109. Rotating shifts.”.

22 **SEC. 306. TRAIN DISPATCHERS.**

23 Section 21101(2) of title 49, United States Code, is  
24 amended to read as follows:



1           “(2) ‘dispatching service employee’ means an  
2           operator, train dispatcher, supervisory train dis-  
3           patcher, power director, or other train employee  
4           who—

5                   “(A) by the use of an electrical or mechan-  
6           ical device dispatches, reports, transmits, re-  
7           ceives, or delivers orders related to or affecting  
8           train movements;

9                   “(B) directly supervises an employee who  
10          carries out responsibilities described in subpara-  
11          graph (A); or

12                   “(C) dispatches trains through control of  
13          third rail or pantographic electrical power.”.

14   **SEC. 307. RECOMMENDATIONS ON HOURS OF SERVICE**  
15                   **CHANGES.**

16          The Railroad Safety Advisory Committee shall con-  
17          vene a working group to consider what legislative changes  
18          might be appropriate to chapter 211 of title 49, United  
19          States Code, relating to hours of service. Not later than  
20          9 months after the date of the enactment of this Act, the  
21          Advisory Committee shall report to the Administrator of  
22          the Federal Railroad Administration on whether it has  
23          reached consensus on any recommended changes, and if  
24          so what they are. The Administrator shall transmit the  
25          recommendations of the Advisory Committee to the Con-

gress. If the Advisory Committee has not reached consensus on any recommendations, the Administrator shall, not later than 6 months after receiving the report of the Advisory Committee, transmit to the Congress the Administrator's recommendations for appropriate legislative changes to such chapter 211.

## **TITLE IV—PASSENGER SERVICE SAFETY STANDARDS**

### **SEC. 401. EMERGENCY WINDOWS AND DOORS.**

Section 20133 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(e) EMERGENCY WINDOWS AND DOORS.—(1) After January 1, 1999, all railroad cars, including self-propelled cars, used for providing transportation for members of the general public shall—

“(A) have emergency windows installed in at least one half of their window locations;

“(B) have emergency windows or emergency panels in each of their interior and exterior doors;

“(C) have emergency doors at each exterior and interior door location; and

“(D) adjacent to each emergency window, emergency panel, and emergency door, have—

1                   “(i) on the exterior car surface,  
2                   retroreflective signage; and

3                   “(ii) on the interior car surface, fluores-  
4                   cent signage,

5                   clearly marking the emergency window, emergency  
6                   panel, or emergency door and containing easily un-  
7                   derstood instructions on the operation of the emer-  
8                   gency window, emergency panel, or emergency door.

9                   “(2) For purposes of this subsection—

10                  “(A) the term ‘emergency door’ means a door  
11                  with an easily accessible interior quick-release mech-  
12                  anism allowing the door to be opened quickly in an  
13                  emergency;

14                  “(B) the term ‘emergency panel’ means an  
15                  opaque panel designed to permit rapid and easy re-  
16                  moval for passenger escape in an emergency; and

17                  “(C) the term ‘emergency window’ means a  
18                  window designed to permit rapid and easy removal  
19                  for passenger escape in an emergency.

20                  “(3) This subsection shall not apply to railroad cars  
21                  used by tourist, excursion, scenic, or historic railroads that  
22                  are not part of the general system of railroad transpor-  
23                  tation and that do not operate at speeds in excess of 30  
24                  miles per hour.”.

1 **SEC. 402. PASSENGER RAILROAD SIGNAL SYSTEMS.**

2 (a) AMENDMENT.—(1) Section 20502 of title 49,  
3 United States Code, is amended by adding at the end the  
4 following new subsection:

5 “(c) PASSENGER RAILROAD SIGNALS.—Each rail-  
6 road line on which passenger service operates, except lines  
7 where automatic train stop or cab signaling equipment is  
8 in use for all passenger service, shall have installed ap-  
9 proach and stop signals such that at least one approach  
10 signal intervenes between a passenger station stop and a  
11 subsequent stop signal.”.

12 (2) The amendment made by paragraph (1) shall  
13 take effect January 1, 1998.

14 (b) STUDY.—The Secretary of Transportation shall,  
15 within 1 year after the date of the enactment of this Act,  
16 transmit to the Congress a report on the results of a study  
17 of the safety implications of signal systems and their  
18 placement. In conducting the study, the Secretary shall  
19 consult with representatives of railroad labor, railroad  
20 management, and railroad equipment manufacturers.  
21 After transmitting the report, the Secretary shall initiate  
22 appropriate rulemaking proceedings under chapter 205 of  
23 title 49, United States Code, to implement the rec-  
24 ommendations made in the report.

1 **SEC. 403. PASSENGER LOCOMOTIVE FUEL TANKS.**

2 (a) AMENDMENT.—Chapter 207 of title 49, United  
3 States Code, is amended by adding at the end the follow-  
4 ing new section:

5 **“§ 20704. Passenger locomotive fuel tanks**

6 “(a) REQUIREMENTS.—Any locomotive manufac-  
7 tured after the date of the enactment of the Railroad Safe-  
8 ty Reform Act of 1996, and delivered to a railroad carrier  
9 on or after January 1, 1998, for use on passenger trains,  
10 except for a locomotive intended primarily for yard switch-  
11 ing purposes, shall—

12 “(1) be equipped with fuel tanks that are inter-  
13 nal and compartmentalized;

14 “(2) be equipped with internal fuel tank bulk-  
15 heads and skin that are either  $\frac{3}{8}$  inch steel plate  
16 with 25,000-pound yield strength or another mate-  
17 rial of equivalent strength; and

18 “(3) have fuel tank vent systems that are de-  
19 signed to prevent those systems from becoming a  
20 path of fuel loss in the event the tank is placed in  
21 an abnormal orientation due to a locomotive derail-  
22 ing.

23 “(b) DEFINITIONS.—For purposes of this section—

24 “(1) the term ‘compartmentalized’ means hav-  
25 ing an interior divided into at least 4 separate com-  
26 partments designed so that penetration of the exte-

rior skin of any 1 compartment shall result in loss  
of fuel only from that compartment; and

“(2) the term ‘internal’ means having its lowest  
point at least 18 inches above the lowest point on  
the locomotive wheel tread, and being enclosed by, or  
part of, the locomotive structure.”.

(b) CONFORMING AMENDMENT.—The table of sec-  
tions for chapter 207 of title 49, United States Code, is  
amended by adding at the end the following new item:

“20704. Passenger locomotive fuel tanks.”.

#### **SEC. 404. PASSENGER CAR CRASHWORTHINESS.**

Section 20133 of title 49, United States Code, as  
amended by section 401 of this Act, is further amended  
by adding at the end the following new subsection:

“(f) CRASHWORTHINESS.—(1) Any railroad pas-  
senger car, including a self-propelled car, manufactured  
after the date of the enactment of the Railroad Safety Re-  
form Act of 1996, and delivered to a railroad carrier on  
or after January 1, 1998, shall be equipped with corner  
posts—

“(A) extending from the underframe structure  
to the roof structure; and

“(B) capable of resisting a horizontal load (with  
an orientation ranging from longitudinal inward to  
transverse inward) of 150,000 pounds at the point  
of attachment to the underframe without a failure.

1       “(2) Any railroad passenger car, including a self-pro-  
 2       pelled car, used by a railroad carrier after January 1,  
 3       2000, shall be equipped with corner posts described in  
 4       paragraph (1)(A) and (B). This paragraph shall not apply  
 5       to railroad passenger cars used by tourist, excursion, see-  
 6       nic, or historic railroads that are not part of the general  
 7       system of railroad transportation and that do not operate  
 8       at speeds in excess of 30 miles per hour.”.

9       **SEC. 405. POSITIVE TRAIN CONTROL.**

10       (a) AMENDMENTS.—Section 20150 of title 49, Unit-  
 11       ed States Code, is amended—

12               (1) by striking “**PROGRESS REPORT**” in the  
 13       section heading;

14               (2) by inserting “(a) PROGRESS REPORT.—”  
 15       before “The Secretary of Transportation”; and

16               (3) by adding at the end the following new sub-  
 17       section:

18       “(b) SCHEDULE FOR IMPLEMENTATION.—(1) The  
 19       Secretary shall—

20               “(A) before March 31, 1997—

21                       “(i) develop a model for assessing the risks  
 22               associated with accident or injury on railroad  
 23               corridors;

1           “(ii) compile data on each railroad corridor  
2           to enable the application of the model developed  
3           under clause (i); and

4           “(iii) rank railroad corridors on the basis  
5           of their risks associated with accident or injury;

6           “(B) before October 1, 1997, identify high-pri-  
7           ority railroad corridors the Secretary will require to  
8           be equipped with positive train control systems,  
9           which shall include, at a minimum, all railroad lines  
10          on which more than 42 regularly scheduled pas-  
11          senger trains per week operate and all railroad lines  
12          on which more than 2,500,000 tons of hazardous  
13          materials are transported each year; and

14          “(C) before October 1, 1998, issue regulations  
15          establishing standards for the use of positive train  
16          control systems and requiring their use on high-pri-  
17          ority railroad corridors by no later than September  
18          30, 2000.

19          “(2) For purposes of this subsection—

20                 “(A) the term ‘passenger train’ does not include  
21                 trains operated by tourist, excursion, scenic, or his-  
22                 toric railroads that are not part of the general sys-  
23                 tem of railroad transportation and that do not oper-  
24                 ate at speeds in excess of 30 miles per hour; and



1 “(B) the term ‘positive train control system’  
 2 means a system for automatically controlling the  
 3 speed of or stopping a train to prevent collisions, en-  
 4 force speed restrictions, and protect roadway work-  
 5 ers and their equipment in the event that the train  
 6 operator has failed to take appropriate action.”.

7 (b) CONFORMING AMENDMENT.—The item relating  
 8 to section 20150 in the table of sections for subchapter  
 9 II of chapter 201 of title 49, United States Code, is  
 10 amended by striking “progress report”.

11 **TITLE V—EMPLOYEE AUTHOR-**  
 12 **ITY, CERTIFICATION, AND**  
 13 **EQUIPMENT**

14 **SEC. 501. EMPLOYEE RESPONSE TO HAZARDOUS CONDI-**  
 15 **TIONS.**

16 (a) REFUSING TO WORK OR TO AUTHORIZE EQUIP-  
 17 MENT USE.—Section 20109(b)(1) of title 49, United  
 18 States Code, is amended—

19 (1) by striking “REFUSING TO WORK BECAUSE  
 20 OF” in the subsection heading;

21 (2) by inserting “or against an employee re-  
 22 sponsible for the inspection or repair of safety-relat-  
 23 ed equipment, track, or structures for refusing to  
 24 authorize the use of such equipment, track, or struc-  
 25 tures when the employee believes that the equip-

1       ment, track, or structures are in a hazardous condi-  
2       tion and that the use of the equipment, track, or  
3       structures would endanger human life,” after “per-  
4       formance of the employee’s duties,”;

5           (3) by inserting “and” after the semicolon at  
6       the end of subparagraph (A); and

7           (4) by striking subparagraphs (B) and (C) and  
8       inserting in lieu thereof the following new subpara-  
9       graph:

10           “(B) the employee, where possible, has notified  
11       the carrier of the existence of the hazardous condi-  
12       tion and the intention not to perform further work  
13       or not to authorize the use of the hazardous equip-  
14       ment, track, or structures, unless the condition is  
15       corrected immediately or the equipment is repaired  
16       properly or replaced.”.

17       (b) DISPUTE RESOLUTION.—Section 20109(d) of  
18       title 49, United States Code, as so redesignated by section  
19       109(a)(1) of this Act, is amended—

20           (1) by striking “180 days” and inserting in lieu  
21       thereof “60 days”; and

22           (2) by striking “If the violation is” and all that  
23       follows through “\$20,000.” and inserting in lieu  
24       thereof the following: “If the employee has been  
25       found by such Board, division, delegate, or board of

1 adjustment to have been discharged or discriminated  
 2 against in violation of subsection (b), the employee  
 3 shall be made whole, including reinstatement, with  
 4 an award of back pay, and with all benefits and ac-  
 5 cumulated seniority. The employee may also be  
 6 awarded punitive damages sufficient to deter the  
 7 railroad carrier from such conduct in the future.”.

8 **SEC. 502. CERTIFICATION OF LOCOMOTIVE ENGINEERS**  
 9 **AND OTHER SAFETY-RELATED RAILROAD**  
 10 **PERSONNEL.**

11 (a) AMENDMENT.—Section 20135 of title 49, United  
 12 States Code, is amended to read as follows:

13 **“§ 20135. Certification of locomotive engineers and**  
 14 **other safety-related railroad personnel**

15 “(a) IN GENERAL.—The Administrator of the Fed-  
 16 eral Railroad Administration shall establish a program for  
 17 issuing certificates for—

- 18 “(1) carmen;
- 19 “(2) conductors;
- 20 “(3) dispatchers;
- 21 “(4) locomotive engineers;
- 22 “(5) signalmen;
- 23 “(6) track inspectors; and
- 24 “(7) trainmen,

1 to individuals when the Administrator finds, after inves-  
 2 tigation, that the individuals are qualified for, and phys-  
 3 ically able to perform the duties related to, the position  
 4 to be authorized by the certificates. After January 1,  
 5 1999, no person shall carry out the responsibilities of the  
 6 carman, conductor, dispatcher, locomotive engineer, sig-  
 7 nalsman, track inspector, or trainman unless that person  
 8 has been certificated for that position by the Adminis-  
 9 trator.

10 “(b) GENERAL QUALIFICATIONS.—The program es-  
 11 tablished under subsection (a)—

12 “(1) shall provide qualification standards and  
 13 minimum training requirements for each type of po-  
 14 sition described in subsection (a); and

15 “(2) shall require comprehensive knowledge of  
 16 applicable railroad carrier operating practices and  
 17 rules.

18 “(c) LOCOMOTIVE ENGINEERS.—

19 “(1) QUALIFICATIONS.—The program estab-  
 20 lished under subsection (a), in the case of certifi-  
 21 cation of a locomotive engineer—

22 “(A) except as provided in paragraph  
 23 (2)(A), shall require consideration, to the extent  
 24 the information is available, of the motor vehi-

1           ele driving record of each individual seeking  
2           certification, including—

3                   “(i) any denial, cancellation, revoca-  
4                   tion, or suspension of a motor vehicle oper-  
5                   ator’s license by a State for cause within  
6                   the prior 5 years; and

7                   “(ii) any conviction within the prior 5  
8                   years of an offense described in section  
9                   30304(a)(3)(A) or (B) of this title;

10                  “(B) may require, based on the individ-  
11                  ual’s driving record, disqualification or the  
12                  granting of a certificate conditioned on require-  
13                  ments the Administrator prescribes; and

14                  “(C) shall require an individual seeking  
15                  certification—

16                   “(i) to request the chief driver licens-  
17                   ing official of each State in which the indi-  
18                   vidual has held a motor vehicle operator’s  
19                   license within the prior 5 years to provide  
20                   information about the individual’s driving  
21                   record to the individual’s employer, pro-  
22                   spective employer, or the Administrator, as  
23                   the Administrator requires; and

24                   “(ii) to make the request provided for  
25                   in section 30305(b)(4) of this title for in-

1                   formation to be sent to the individual's em-  
2                   ployer, prospective employer, or the Ad-  
3                   ministrator, as the Administrator requires.

4                   “(2) WAIVERS.—(A) The Administrator shall  
5                   prescribe standards and establish procedures for  
6                   waiving paragraph (1)(A) for an individual or class  
7                   of individuals who the Administrator decides are not  
8                   currently unfit to operate a locomotive. However, the  
9                   Administrator may waive paragraph (1)(A) for an  
10                  individual or class of individuals with a conviction,  
11                  cancellation, revocation, or suspension described in  
12                  subparagraph (B)(i) or (ii) only if the individual or  
13                  class, after the conviction, cancellation, revocation,  
14                  or suspension, successfully completes a rehabilitation  
15                  program established by a railroad carrier or ap-  
16                  proved by the Administrator.

17                  “(B) If an individual, after the conviction, can-  
18                  cellation, revocation, or suspension, successfully com-  
19                  pletes a rehabilitation program established by a rail-  
20                  road carrier or approved by the Administrator, the  
21                  individual may not be denied a certificate under  
22                  paragraph (1)(A) because of—

23                         “(i) a conviction for operating a motor ve-  
24                         hicle when under the influence of, or impaired  
25                         by, alcohol or a controlled substance; or

1           “(ii) the cancellation, revocation, or sus-  
2           pension of the individual’s motor vehicle opera-  
3           tor’s license for operating a motor vehicle when  
4           under the influence of, or impaired by, alcohol  
5           or a controlled substance.

6           “(3) OPPORTUNITY TO EXAMINE AND COMMENT  
7           ON INFORMATION.—The Administrator, employer, or  
8           prospective employer, as appropriate, shall make in-  
9           formation obtained under paragraph (1)(C) available  
10          to the individual. The individual shall be given an  
11          opportunity to comment in writing about the infor-  
12          mation. Any comment shall be included in any  
13          record or file maintained by the Administrator, em-  
14          ployer, or prospective employer that contains infor-  
15          mation to which the comment is related.

16          “(d) DELEGATION.—

17               “(1) IN GENERAL.—Subject to any regulations,  
18               supervision, and review the Administrator may pre-  
19               scribe, the Administrator may delegate, to a quali-  
20               fied private person or an employee under the super-  
21               vision of that person, a matter related to—

22                       “(A) the examination, testing, and inspec-  
23                       tion necessary to issue a certificate under this  
24                       section; and

25                       “(B) issuing the certificate.

1           “(2) RESCISSION.—The Administrator may re-  
2       scind a delegation under this section at any time for  
3       any reason the Administrator considers appropriate.

4           “(3) RECONSIDERATION.—A person affected by  
5       an action of a person to whom responsibilities have  
6       been delegated under this subsection may apply for  
7       reconsideration of the action by the Administrator,  
8       and, on the Administrator’s own initiative, the Ad-  
9       ministrator may reconsider the action of such a per-  
10      son at any time. If the Administrator decides on re-  
11      consideration that the action is unreasonable or un-  
12      warranted, the Administrator shall change, modify,  
13      or reverse the action. If the Administrator decides  
14      that the action is warranted, the Administrator shall  
15      affirm the action.

16      “(e) SUSPENSION OR REVOCATION.—

17           “(1) AUTHORITY.—The Administrator may re-  
18      view the certification of any employee holding a cer-  
19      tificate under this section. The Administrator may  
20      suspend or revoke a certificate issued under this sec-  
21      tion if—

22           “(A) the employee, in the course of rail-  
23      road employment, has engaged in or authorized  
24      a practice that endangers human life, including



1 authorizing the use of unsafe equipment or  
2 track; or

3 “(B) the Administrator decides after re-  
4 viewing the actions or qualifications of the em-  
5 ployee that railroad safety and the public inter-  
6 est require such a suspension or revocation.

7 The length of a suspension shall be at the discretion  
8 of the Administrator. In determining the length of a  
9 suspension, the Administrator shall take into ac-  
10 count the seriousness of the unsafe practice and the  
11 employee’s past safety record.

12 “(2) PROCEDURES.—Before acting to suspend  
13 or revoke a certificate, the Administrator shall ad-  
14 vise the holder of the certificate of the charges or  
15 other reasons on which the Administrator relies for  
16 the proposed action. Except in an emergency, the  
17 Administrator shall provide the holder of the certifi-  
18 cate with an opportunity to answer the charges and  
19 to be heard on why the certificate should not be sus-  
20 pended or revoked. Except as provided in paragraph  
21 (3), the action of the Administrator suspending or  
22 revoking a certificate shall be stayed pending the  
23 outcome of an appeal under subsection (f).

24 “(3) EMERGENCIES.—If the Administrator de-  
25 termines that an emergency exists and that railroad

1 safety requires that a suspension or revocation be ef-  
2 fective immediately, then the Administrator's action  
3 shall be effective immediately.

4 “(f) APPEALS.—The Administrator shall establish an  
5 appropriate procedure through which a person adversely  
6 affected by—

7 “(1) an action denying a certificate under this  
8 section; or

9 “(2) an order suspending or revoking a certifi-  
10 cate under subsection (e),

11 may appeal such action or order. If a finding is made  
12 under that appeals procedure, after notice and an oppor-  
13 tunity for a hearing, that railroad safety and the public  
14 interest do not require affirmation of the original action  
15 or order, the Administrator shall amend, modify, or re-  
16 verse that action or order.

17 “(g) CERTIFICATION OF SAFETY.—

18 “(1) BY A CARMAN.—(A) No locomotive, rail-  
19 road car, or train shall depart its initial terminal  
20 until it has been inspected and its safety has been  
21 certified in writing by a carman certificated under  
22 this section.

23 “(B) No locomotive, railroad car, or train shall  
24 be used or operated after it has been repaired or re-  
25 ported to have a defect potentially affecting safety

1       until it has been inspected by a carman certificated  
2       under this section and its safety has been subse-  
3       quently certified in writing by that carman. A safety  
4       certification made under this subparagraph may be  
5       made conditional on the locomotive, railroad car, or  
6       train being repaired at the first practical oppor-  
7       tunity.

8               “(2) BY A SIGNALMAN.—(A) No signal system  
9       shall be used to signal that a train may proceed or  
10      to control the movement of automobiles at grade  
11      crossings unless its safety has been certified in writ-  
12      ing within the past year by a signalman certificated  
13      under this section.

14             “(B) No signal system shall be used to signal  
15      that a train may proceed or to control the movement  
16      of automobiles at grade crossings after that signal  
17      system has been repaired or reported to have a de-  
18      fect potentially affecting safety until it has been in-  
19      spected by a signalman certificated under this sec-  
20      tion and its safety has been subsequently certified in  
21      writing by that signalman.

22             “(3) BY A TRACK INSPECTOR.—(A) No track  
23      shall be used to operate locomotives, railroad cars,  
24      or trains unless the safety of that track has been

1 certified in writing within the past year by a track  
2 inspector certificated under this section.

3 “(B) No track shall be used after it has been  
4 repaired or reported to have a defect potentially af-  
5 fecting safety until it has been inspected by a track  
6 inspector certificated under this section and its safe-  
7 ty for its anticipated use has been subsequently cer-  
8 tified in writing by that track inspector.

9 “(h) AUTHORITY TO REFUSE TO OPERATE TRAINS  
10 OR LOCOMOTIVES.—A locomotive engineer may refuse to  
11 operate a train or locomotive if that locomotive engineer  
12 is not satisfied that the train or locomotive can be oper-  
13 ated safely.

14 “(i) DEFINITIONS.—For purposes of this section—

15 “(1) the term ‘carman’ means a railroad em-  
16 ployee who inspects, tests, maintains, and repairs  
17 brakes, other mechanical systems and components,  
18 and safety appliances on railroad cars or loco-  
19 motives;

20 “(2) the term ‘conductor’ means a railroad road  
21 or yard employee who is in charge of a train’s pas-  
22 sengers or freight;

23 “(3) the term ‘dispatcher’ means an operator,  
24 train dispatcher, supervisory train dispatcher, power  
25 director, or other train employee who—

1           “(A) by the use of an electrical or mechan-  
2           ical device dispatches, reports, transmits, re-  
3           ceives, or delivers orders related to or affecting  
4           train movements;

5           “(B) directly supervises an employee who  
6           carries out responsibilities described in subpara-  
7           graph (A); or

8           “(C) dispatches trains through control of  
9           third rail or pantographic electrical power;

10          “(4) the term ‘locomotive engineer’ means an  
11          operator of a locomotive other than—

12           “(A) a person who operates a locomotive  
13           solely within the confines of a locomotive repair  
14           or servicing area; and

15           “(B) a person who operates a locomotive  
16           for short distances for inspection and mainte-  
17           nance purposes;

18          “(5) the term ‘signalman’ means a railroad em-  
19          ployee who installs, repairs, and maintains signal  
20          systems;

21          “(6) the term ‘track inspector’ means a railroad  
22          employee whose sole responsibility is to inspect  
23          track, report on its condition, and authorize its use  
24          by locomotives, railroad cars, and trains; and

1 “(7) the term ‘trainman’ means a railroad road  
 2 or yard employee who is under the supervision of a  
 3 conductor.”.

4 (b) CONFORMING AMENDMENT.—The item relating  
 5 to section 20135 in the table of sections for chapter 201  
 6 of title 49, United States Code, is amended to read as  
 7 follows:

“20135. Certification of locomotive engineers and other safety-related railroad  
 personnel.”.

8 (c) EFFECT OF AMENDMENT.—Notwithstanding the  
 9 amendment made by subsection (a), the requirements for  
 10 licensing or certification of locomotive operators under sec-  
 11 tion 20135 of title 49, United States Code, as in effect  
 12 before the date of the enactment of this Act, shall continue  
 13 in effect until the program established under the amend-  
 14 ment made by subsection (a) takes effect.

15 **SEC. 503. COMMUNICATIONS DEVICES.**

16 (a) AMENDMENT.—Subchapter II of chapter 201 of  
 17 title 49, United States Code, is amended by adding at the  
 18 end the following new section:

19 **“§ 20154. Communications devices**

20 “(a) REQUIRED EQUIPMENT.—Each—

21 “(1) locomotive or cab-forward passenger car  
 22 from which a train is operated; and

1           “(2) roadway work group or lone roadway  
2       worker, when working along a railroad’s right-of-  
3       way,  
4       shall be equipped with an operational radio or other device  
5       that permits 2-way communication with the railroad’s dis-  
6       patcher or other supervisory official who is able to commu-  
7       nicate with the railroad’s locomotive operators and road-  
8       way workers.

9           “(b) OPERABILITY.—A train may not leave its initial  
10      terminal, and a roadway work group or lone roadway  
11      worker may not leave their base of operations, without—

12           “(1) an operable device described in subsection  
13      (a); and

14           “(2) a backup operable device described in sub-  
15      section (a) for use in the event that the device de-  
16      scribed in paragraph (1) of this subsection fails to  
17      operate.

18      If either such device becomes inoperable after leaving the  
19      initial terminal, such device shall be promptly repaired or  
20      replaced.

21           “(c) DEFINITIONS.—For purposes of this section—

22           “(1) the term ‘roadway work group’ means 2 or  
23      more roadway workers working together on a com-  
24      mon task who are in direct communication with each  
25      other; and

1           “(2) the term ‘roadway worker’ means an em-  
2       ployee of a railroad, or of a contractor to a railroad,  
3       including a maintenance-of-way worker or a signal-  
4       man, who is working on or near railroad track.”.

5       (b) CONFORMING AMENDMENT.—The table of sec-  
6       tions for subchapter II of chapter 201 of title 49, United  
7       States Code, is amended by adding at the end the follow-  
8       ing new item:

          “20154. Communications devices.”.

9       (c) EFFECTIVE DATE.—The amendments made by  
10      this section shall take effect 6 months after the date of  
11      the enactment of this Act.

○